

PTO/SB/21 (03-03)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/057,629
Filing Date	01/25/2002
First Named Inventor	Harry R. Davis, et al.
Art Unit	1614
Examiner Name	To Be Assigned
Attorney Docket Number	CV01382K

Total Number of Pages in This Submission 8

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Certificate of Mailing PTO/SB92 - 1 Page
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	PTO-1449 - 1 pg. in dup. - 15 References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

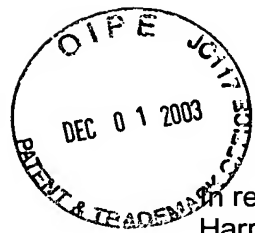
Firm or Individual	Ann Marie Cannoni, Reg. No. 35,972
Signature	
Date	11/26/2003

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/>			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Harry R. Davis

Serial No.: 10/057,629

Filed: January 25, 2002

For: Use of Substituted Azetidinone  
Compounds for the Treatment of  
Sitosterolemia

Examiner: To Be Assigned

Group Art Unit: 1614

Atty. Docket No.: CV01382K

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 56, it is requested that the documents listed on the accompanying PTO-1449 Form be considered and made of record in the above-identified patent application. Copy(ies) of these references ☒ are attached ☐ were filed in related application U.S. Serial No(s) \_\_\_\_\_ filed \_\_\_\_\_, respectively.

(b) No fee is believed due because:

- ☐ This Information Disclosure Statement is being filed within three (3) months of the filing date of the application.
- ☐ This Information Disclosure Statement is being concurrently filed with the above-identified application.
- ☐ This Information Disclosure Statement is being concurrently filed with a Request for Continued Examination (RCE).
- ☒ This Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits.


(c) ☐ This Information Disclosure Statement is being filed before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and

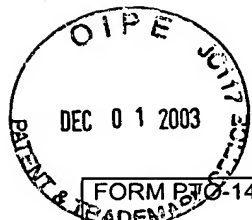
- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

- ☐ The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.
- (d) ☐ This Information Disclosure Statement is being filed on or before the payment of the issue fee; and
- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and
- ☐ The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-0395, Patent Case No. CV01382K. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
SCHERING-PLOUGH CORPORATION

Dated: **November 26, 2003**  
SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, NJ 07033-0530  
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By:   
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Reg. No.: **35,972**  
**Attorney of Record**  
Telephone No.: (908) 298-5024

Sheet 1 of 1

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.:

CV01382K

APPLICATION NO.:

10/057,629

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(Use several sheets if necessary)

APPLICANT:

Harry R. Davis et al.

FILING DATE:

01/25/2002

GROUP:

1617

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	6,030,990	02/29/00	Maeda et al.			
	AB	6,166,049	12/26/00	Smith et al.			
	AC	2003/0153541	08/14/03	Dudley et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AC	WO 01/14351	03/01/01	PCT				
	AD	WO 01/34148	05/17/01	PCT				
	AE	WO 01/60807	08/23/01	PCT				
	AF	WO 02/064094	08/22/02	PCT				
	AG	WO 02/08188	01/31/02	PCT				
	AH	WO 02/26729	04/04/02	PCT				
	AI	WO 03/039542	05/15/03	PCT				
	AJ	WO 03/074101	09/12/03	PCT				
	AK	WO 03/088962	10/30/03	PCT				

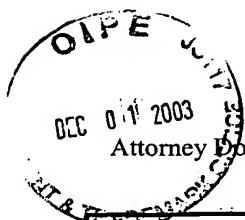
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AL	Sorbera et al., Netoglitazone, <i>Drugs of the Future</i> , 2002, 27(2): 132-139
	AM	Michel Farnier, Nouvelles approches médicamenteuses dans le traitement des dyslipidémies, <i>MT Endocrinologie</i> , 2002, 4:252-259
	AN	Berger et al., Physiological and Therapeutic Roles of Peroxisome Proliferator-Activated Receptors, <i>Diabetes Technology &amp; Therapeutics</i> , 2002, 4:163-174

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Attorney Docket No.: CV01382K

PTO/SB/92 (08-03)

(Modified)

Application No.: 10/057,629

Filing Date: 01/25/2002

Applicant: Harry R. Davis et al.

Title: Use of Substituted Azetidinone Compounds for the Treatment of Sitosterolemia

### Certificate of Mailing under 37 CFR 1.8

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Ann Marie Cannoni, Reg. No. 35,972

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Documents enclosed:

Response Transmittal PTO/SB/21 - 1 Page

Information Disclosure Statement - 2 Pages in duplicate

PTO-1449 - 1 pg. in dup. - 15 References

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